

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT WARDRICK,

Plaintiff,

v.

ASSOC. WARDEN S.L. ROBARE,
et al.,

Defendants.

Civil Action No. 06-186 Erie

MEMORANDUM ORDER

_____ Plaintiff's civil rights complaint was received by the Clerk of Court on August 16, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The chief magistrate judge's report and recommendation, filed on July 16, 2007 [35], recommends that the Defendants' Motion To Dismiss, Or In The Alternative, Motion For Summary Judgment [20] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at the United States Penitentiary at Beaumont, Texas, where he is incarcerated, and on the Defendant. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 10th Day of August, 2007;

IT IS HEREBY ORDERED that the Defendants' Motion To Dismiss, Or In The Alternative, Motion For Summary Judgment [20] be granted.

The report and recommendation of Chief Magistrate Judge Baxter, dated July 16, 2007 [35], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter